

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. H-98-430
)	
DANNY TWO-SHENG FONG,)	[Filed 12/07/98]
)	
Defendant.)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION
FOR BILL OF PARTICULARS**

The United States of America, through its undersigned attorney, hereby responds to Defendant’s Motion for Bill of Particulars (hereinafter “Motion”). In his Motion, Defendant requests a bill of particulars with respect to the false statements which are the subject of Count Two of the Indictment.

A bill of particulars is not required if a defendant is otherwise provided with sufficient information to enable him to prepare his defense and avoid surprise at trial. United States v. Moody, 923 F.2d 341, 351 (5th Cir.), cert. denied, 502 U.S. 821 (1991). See United States v. Marrero, 904 F.2d 251, 258 (5th Cir. 1990) (no bill of particulars is required when information requested is provided in some other form). In this case, the Indictment at Paragraph 12 sets forth with particularity the false statements made by Defendant that are the subject of Count Two. Moreover, the government has provided the Defendant with a copy of the FBI 302 report of Defendant’s interview on June 21, 1995 (attached). Taken together, the FBI 302 report and the Indictment are

more than sufficient to apprise Defendant of the charges against him and to enable him to prepare for trial.

Accordingly, there is no need for a formal bill of particulars in this case and Defendant's Motion should be denied.

Respectfully submitted,

/s/
MARK R. ROSMAN
Attorney-in-Charge
Florida Bar No. 0964387
U.S. Department of Justice
Antitrust Division
1601 Elm Street, Suite 4950
Dallas, Texas 75201-4717
(214) 880-9401

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

DANNY TWO-SHENG FONG,

Defendant.

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Criminal No. H-98-430

ORDER

Having considered Defendant's Motion for Bill of Particulars and the Government's Response thereto, it is hereby ordered that Defendant's Motion is DENIED.

IT IS SO ORDERED this ____ day of _____, 1998.

NANCY F. ATLAS
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Government's Response to Defendant's Motion for Bill of Particulars was sent via Federal Express this 4th day of December 1998, to:

George H. Tyson, Jr., Esq.
River Oaks Welch Bldg.
2120 Welch
Houston, TX 77019

Colin B. Amann, Esq.
Gaither & Amann
4300 Scotland
Houston, TX 77007

_____/s/_____
MARK R. ROSMAN
Attorney-in-Charge
Florida Bar No. 0964387
U.S. Department of Justice
Antitrust Division
1601 Elm Street, Suite 4950
Dallas, Texas 75201-4717
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